IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.08.2006

CORAM

THE HONOURABLE MR. JUSTICE P. JYOTHIMANI

W.P.No.25234/2006 & M.P.Nos.1,2&3/2006

M.Sivakumar .. Petitioner

Vs

1.The Special Commissioner cum Director
Survey and Land Records,
"Survey House", Chepauk, Chennai-5.

2.The Assistant Director of
Survey and Land Records,
Perambalur, Perambalur District. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records pertaining to the order passed by the 2nd respondent in R.C.A7/4853/2004 dated 19.8.2004 and quash the same and direct the respondents to reinstate the petitioner in service.

For Petitioner : Mr.M.Hidayathulla Khan

For Respondent : Mr.G.Shankaran,GA

ORDER

The writ petition challenges the order of suspension passed by the 2nd respondent dated 19.8.2004 against the petitioner who was working as Firka Surveyor. Earlier on two occasions, this Court as well as the Division Bench of this Court has given direction to the 2nd respondent to issue charge memo and complete the enquiry expeditiously.

2. It is stated that thereafter, a charge memo has been issued to the petitioner on 9.3.2006 in which the enquiry is in progress. It is also the case of the petitioner that even in the criminal case the charge has been laid since the investigation has been completed. In view of the same, the petitioner has made representation on 5.6.2006 to the 1st respondent to review the order of suspension since he has been suffering the suspension for the past 2 years.

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3.Heard the learned counsel for the petitioner and Mr. G.Shankaran, learned Government Advocate, taking notice on behalf of the respondent.

4. By virtue of the powers under Rule 17 (e)(6) of the Rules, the 1st respondent has got power to review the order of suspension in the changing circumstances. In the present case, apart from the fact that the petitioner is under prolonged suspension of nearly two years, the disciplinary proceedings has been initiated and the enquiry is under progress and also in the criminal case, the charge has been laid and also the investigation is completed.

5.In view of the same, the 1st respondent is directed to consider the representation dated 5.6.06 for the purpose of revocation of the suspension order dated 19.8.04 in the circumstances stated above and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

ap

To

1.The Special Commissioner cum Director
Survey and Land Records,
"Survey House", Chepauk, Chennai-5.

2.The Assistant Director of
Survey and Land Records,
Perambalur, Perambalur District.

+1cc to Mr.M.Hidayathulla Khan, Advocate Sr 35777

MA (CO)
km/7.9.

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